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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,659	03/28/2006	Tsutomu Hirasawa	286871US9PCT	5665
22850 7590 06/27/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, VINCENT HUY	
			ART UNIT 2115	PAPER NUMBER
			NOTIFICATION DATE 06/27/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/573,659

Applicant(s)

HIRASAWA, TSUTOMU

Examiner

Vincent T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-16 is/are rejected.
- 7) ☒ Claim(s) 7 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/28/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is responsive to the communication filed on 3/28/06
2. Claims 1-17 are pending for examination.

### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

4. The information disclosure statement filed 3/28/06 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described

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in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

“playing back the read data.” The disclosed invention only teaches a playback means for reading data from the recording medium and transmitting the reading data to another apparatus.

7. Claim 1 recites the limitation "the user" in line 9. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-6, 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. U.S. Patent No. 6,993,618 ("Chen") in view of Yokomichi et al. US 20030231171 ("Yokomichi").

12. As per claim 1, Chen teaches a data processing apparatus [Fig. 2] for transmitting data recorded on a recording medium to another apparatus, the data processing apparatus comprising:

playback means [30 fig. 2] for reading data from the recording medium [22, 26, 32, 36 fig. 2] and playing back the read data;

communication means for communicating with the other apparatus [17 fig. 2];

first operation means for receiving an operating control input from the user [46 fig. 2];

presentation means for presenting information to the user [44 fig. 2];

a power supply for supplying power [14 fig. 2];

storage means for retaining stored data even when no power is supplied [58 fig. 3];

transmission control means [30 fig. 3], which, when the first operation means is operated, causes the communication means to transmit the recorded data, which is recorded on the recording medium and played back by the playback means, to the other apparatus, causes the presentation means to present the result of the data transmission [col. 4 lines 50-58; col. 6 lines 35-50; col. 7 lines 23-40].

Chen does not explicitly teaches a power control means for causing the time measurements means to measure the time elapse after the information presentation and controlling the power supplied from the power supply after the elapse of a predetermined period of time. Examiner takes an Official Notice of the fact that power conservation in which the

apparatus, in absent of activity for a predetermined period of time, power off the power supply is an old and well known technique.

Chen does not teach storing the result of the data transmission in the storage means.

Yokomichi teaches another invention relates to an electronic apparatus with a display device. In particular the present method directed to the suspending and resuming of an apparatus to reduce power consumption. Specifically, Yokomichi teaches, at the time of suspend, the electronic apparatus causes the storage means, for retaining store data even when no power is supplied, to store the display data [paragraph 0033-0036]. At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the system of Chen with the storing of the display data of Yokomichi. The motivation for doing so would have been to prevent the loss of the data transmission result during the suspend period.

13. As per claim 2, Yokomichi teaches a second operation means [inherent] for receiving an operating control input from the user; and

presentation control means, which, when the second operation means is operated while the power supply to the apparatus from the power supply is controlled, causes the presentation means to present the display data (transmission result) of the data stored in the storage device [paragraph 0035].

14. As per claim 3, Chen teaches the other apparatus is an apparatus for recording data onto another recording medium [16 fig. 2]; and wherein the data transmitted by the communication means is record on the other recording medium by the other apparatus.

15. As per claim 4, Chen teaches comparison means for acquiring a free space remaining on the other recording medium, on which the other apparatus is records data, from the other apparatus via the communication means, and comparing the acquired free space remaining on the other recording medium against the amount of data recorded on the recording medium,

wherein, when the comparison result generated by the comparison means indicates that the other recording medium has an adequate free space for recording the data recorded on the recording medium, the transmission control means transmits the data to the other apparatus [col. 7 lines 14-22].

16. As per claim 5, Chen teaches when the amount of data recorded on the recording medium is found to be larger than the free space remaining on the other recording medium, the transmission control means controls the storage means to store data that indicates a process failure [col. 7 lines 14-22].

17. As per claim 6, Examiner takes an Official Notice of the fact that such power saving technique is an old and well know art specifically for battery operated apparatus; wherein, for example, Sakai U.S. Patent No. 5905914 teaches, in a portable computer which has a function of setting a power save mode and is capable of being operated with an AC adapter or battery power supply, assume that the power save mode is set/reset as follows. When an AC adapter is plugged into and connected to the main body, the power save mode is invalidated. When the AC adapter is disconnected from the main body (the plugged state is released), the power save mode is

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immediately validated [col. 7 line 65 to col. 8 line 23]. Therefore, it would have been obvious to one of ordinary skill in the art to have adopted such technique to conserve power while the apparatus is received power from a battery.

18. As per claim 8, Chen teaches the presentation means is incorporated in the first operation means [col. 7 lines 23-38].

19. As per claim 9, Chen teaches the presentation means is an LED [col. 7 lines 23-38].

20. As per claim 10, Chen teaches the communication means is a USB [17, 12 fig. 2].

21. As per claim 11-16, see discussion in claim 1-6.

### ***Allowable Subject Matter***

22. Claims 7, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

#### **Examiner's note:**

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are



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representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Prior Art not relied upon:**

Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Vincent Tran

A handwritten signature in black ink, appearing to read 'Chun Cao', with a stylized, cursive script.

**CHUN CAO  
PRIMARY EXAMINER**